

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MYRIAM ZAYAS,

Plaintiff,

v.

JUDGE ADRIENNE MCCOY,

Defendant.

CASE NO. 2:24-cv-694

ORDER DISMISSING CASE

The Court must screen civil actions filed *in forma pauperis* to ensure the complaint states a claim upon which relief may be granted, is not frivolous, and does not seek monetary relief from a defendant immune from such relief. 28 U.S.C. § 1915(e)(2). “Once a court has sufficient information to make a determination on immunity, [Section 1915] mandates dismissal—even if dismissal comes before the defendants are served.” *Chavez v. Robinson*, 817 F.3d 1162, 1167 (9th Cir. 2016), *as amended on reh’g* (Apr. 15, 2016) (citation omitted). Upon review of Plaintiff Myriam Zayas’s complaint, the Court finds that Zayas’s claims against King County Superior Court Judge Adrienne McCoy are subject to sua sponte dismissal because Judge McCoy is entitled to judicial immunity.

1 Zayas names Judge McCoy as the sole defendant in her complaint. Dkt. No. 5
2 at 4. She alleges Judge McCoy violated her rights by holding a “termination trial
3 and pretend[ing] she was allowed to terminate [her] rights.” Dkt. No. 5 at 4.
4 However, setting and conducting a termination hearing are actions that fall within
5 a state court judge’s judicial capacity, and state court judges are entitled to absolute
6 judicial immunity for acts performed within this scope. *See Schucker v. Rockwood*,
7 846 F.2d 1202, 1204 (9th Cir. 1988) (per curiam) (“Judges are absolutely immune
8 from damages actions for judicial acts taken within the jurisdiction of their
9 courts.”). Absolute judicial immunity is “an immunity from suit, not just from
10 ultimate assessment of damages.” *Mireles v. Waco*, 502 U.S. 9, 11 (1991). “Absolute
11 immunity fails to attach to judicial officers only when they act clearly and
12 completely outside the scope of their jurisdiction.” *Demoran v. Witt*, 781 F.2d 155,
13 158 (9th Cir. 1985) (internal citations omitted).

14 Because Zayas’s allegations against Judge McCoy are related to judicial
15 process, Zayas’s claims are barred by the doctrine of judicial immunity. Zayas fails
16 to state a claim upon which relief can be granted. Because Defendant’s actions
17 which form the basis for this dispute are subject to immunity from Zayas’s claims,
18 amending the complaint would be futile. Thus, the Court DISMISSES Zayas’s
19 complaint with prejudice and without leave to amend.

20 Dated this 21st day of May, 2024.
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A handwritten signature in black ink, appearing to read "Jamal W", is positioned above a solid horizontal line.

Jamal N. Whitehead
United States District Judge

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